

Notice of Allowability

Application No.

09/828,731

Applicant(s)

ALAIA ET AL.

Examiner

JAGDISH PATEL

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/10/06.
2. ☒ The allowed claim(s) is/are 89, 92, 93, 95-99, 102, 103, 105-108, 138-140, 144-146, 151, 153 and 154.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 7/10/2006.

Response to Amendment

2. Claims 89-93, 95-99, 102-103, 105-108, 138-140, 144-146, 151, 153-154 are pending and have been allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to controlling overtime in an electronic auction.

Extending auctions beyond predetermined closing time is well known. For example, Buyer's Auction Online, <http://buyersauction.com/userinfo.htm> 1998 teaches if that there is any bidding in the last 5 minutes of an auction, the auction will be extended 2 minutes.. This is similar to the 'going once, going twice' period found in traditional auctions.

Newsbytes article, Excite Calls Online Auctions, June 10, 1998, likewise, teaches an online auctions. In particular, Newsbyte states as follows: If any bidding occurs in the final ten minutes, the auction is extended in ten-minute increments the equivalent of the 'going once, going twice' period found in real auctions. (Newsbyte, page 1).

Having the considered the prior art of record among which the aforementioned references are closest to the invention of allowed claims the examiner states that the following feature of the claimed invention is deemed novel to act of extending an online or electronic auctions.

Claims 89-93, 95-99, 102-103, 105-108, 138-140, 144-146, 151, 153-154:

Art Unit: 3693

“extending the first closing time using the second time interval of the correlation between the at least one new bid and the at least one other bid satisfies a trigger criterion that is based on a rank of the at least one new bid and the at least one other bid wherein the extending is performed using a server”

Hence, in Newsbyte, every new bid occurred in the final ten minutes triggers an extension of the auction by 10 minutes. In the presently claimed invention, in contrast, not every new bid would trigger an extension of the auction. Instead, in the presently claimed invention, the auction is extended only if a correlation between at least one new bid and at least one other bid previously received for the lot satisfies a trigger criterion that is based on the rank of the new bid and the previous bid. Neither Newsbyte nor Buyer's Auction teach or suggest the above features of the presently claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Tu and Th. On Fridays the examiner can be reached at (301) 455-0510.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

10/18/2006